

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

119

RSA-488-2018 (O&M)

Date of Decision : 23.01.2018

Kiranjit Singh

..... Appellant

Versus

Bant Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S. Randhawa, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

By this appeal the appellant has challenged the concurrent judgments of the courts below decreeing the suit filed by the respondent for recovery of sum of Rs.5,60,000/- alongwith interest @ 12% per annum.

The case of the appellant was that he had never obtained loan nor he had executed the pronote. During his cross-examination, however, he was forced to admit that the signatures bearing on the pronote were indeed his. The courts below having decreed the suit the appellant is before this court.

Counsel for the appellant has argued that the respondent was not able to prove the passing of consideration especially since it was the stand of the appellant that he had not received any amount. In this connection, both the courts below have found that once the signatures on the pronote were proved and one witness had stated that the appellant had acknowledged the receipt of the money, the consideration would be deemed to have passed.

In my opinion, the appeal has to fail. Once, the appellant had to accept that the signatures bearing on the pronote were indeed his a heavy onus was cast on him to prove that he had signed the document without receiving the money as the initial onus to prove that the consideration had passed stood discharged by the acceptance of the signatures.

The second argument raised by the counsel for the appellant is that the respondent was not registered as a money lender. In this connection the lower appellate court has correctly held that by merely giving one loan a person could not be characterized under the Punjab Registration of Money-Lender's Act, 1938.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

January 23, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No